

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CIVIL ACTION NO. 1:06-CR-289
	:	
v.	:	(Chief Judge Conner)
	:	
VICTOR RAYNARD PATTERSON,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 20th day of December, 2017, upon consideration of the order (Doc. 68) entered by the United States Court of Appeals for the Third Circuit on November 1, 2017, granting defendant Victor Raynard Patterson (“Patterson”) leave to file a second or successive motion under 28 U.S.C. § 2255 to the limited extent he seeks relief based on the Supreme Court’s decision in Johnson v. United States, 576 U.S. ___, 135 S. Ct. 2551 (2015), and transferring Patterson’s Section 2255 motion (Doc. 70) to the above-captioned docket, and further upon consideration of Patterson’s motion (Doc. 75) requesting that the court appoint counsel to represent him in connection with his instant Section 2255 motion, and the court observing, with respect to Patterson’s request for appointed counsel, that federal courts may appoint counsel to represent a habeas petitioner when “the interests of justice so require,” 28 U.S.C. § 3006A(a)(2)(B); see also 28 U.S.C. § 2255(g), and that, in determining the propriety of appointment, courts should consider the petitioner’s ability to investigate the facts of his claims; the complexity of any non-frivolous legal and factual issues raised; and whether appointment will be of benefit to the court or petitioner, see Reese v. Fulcomer, 946 F.2d 247, 264 (3d Cir. 1991), superseded on

other grounds by 28 U.S.C. § 2254(d), and the court concluding that, to this juncture, Patterson has demonstrated an ability to represent himself herein, as evinced by his success in obtaining the Third Circuit's leave to file a second or successive motion, and further concluding that the issue of appointment of counsel will be revisited as necessary following full briefing of Patterson's Section 2255 motion, it is hereby

ORDERED that:

1. Patterson's request (Doc. 75) for appointed counsel is DENIED without prejudice.
2. The government shall file a response to Patterson's Section 2255 motion (Doc. 70) and all supplements thereto on or before **Tuesday, January 2, 2018**.
3. Patterson may file a reply in further support of his motion on or before **Tuesday, January 16, 2018**.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania